

Appl. No. 09/838,868
Reply Filed: Oct. 14, 2005
Reply to the Office Action mailed: July 14, 2005

REMARKS

In response to the Office Action mailed July 14, 2005, the Applicant submits this Reply and Terminal Disclaimer. In view of the following remarks, reconsideration is requested.

Claims 1-30 remain in this application, of which claims 1, 5, 10, 14, 19 and 23 are independent.

In the Office Action, claims 1-3, 5-11, 14-20 and 23-30 were provisionally rejected under the doctrine of obviousness-type double patenting in view of U.S. Patent Application 09/839,160 ("Cornog") and U.S. Patent 6,563,874 ("Lu").

Although the rejection was provisional, Applicant respectfully notes that Cornog issued as U.S. Patent 6,570,624, as disclosed on Applicant's Information Disclosure Statement of November 1, 2004. Applicant also notes that Cornog claims the benefit of U.S. patent application Ser. No. 09/657,699, filed Sep. 8, 2000, and lists additional inventors.

The obviousness-type double patenting rejection is respectfully traversed, for reasons explained below. In addition, the Applicant submits herewith a terminal disclaimer that obviates any obviousness-type double patenting rejection based on Cornog.

The rejection is traversed because the Examiner has not identified any particular claim of Cornog to which each independent claim of this application has been compared. As noted in the Office Action, such a rejection may be proper where two applications contain conflicting claims, such that there is an unjustified or improper extension of the "right to exclude." The Office Action asserts that this rejection is proper because an added limitation, namely "the set of motion vectors includes a vector for each pixel . . ." also is found in Cornog. However, in the absence of a specific comparison among the different sets of claims, it is not possible for the Applicant to evaluate the propriety of the rejection.

Further, mere presence of a single limitation in common between two applications does not necessarily suggest that the claims are so conflicting. The claims in Cornog are directed to generating such motion vectors and using them to generate images, whereas

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the claims in this application are directed to ways of changing such motion vectors. Such different claims were properly presented in two applications and a clear line of demarcation between the two applications already exists. Accordingly, the rejection is traversed.

For expediency, the Applicant also submits herewith a Terminal Disclaimer to obviate any nonstatutory double patenting rejection between this application and the Cornog patent. By submitting this Terminal Disclaimer, Applicant does not admit to the propriety of any nonstatutory double patenting rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District* 946 F.2d 870, 20 USPQ2d 1392 (Fed.Cir. 1991).

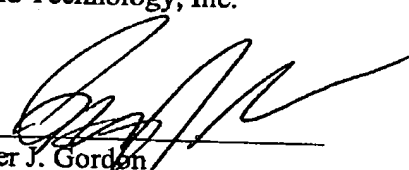
CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to Deposit Account No. 50-0876.

Respectfully submitted,

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